

BEFORE THE  
**Federal Communications Commission**

WASHINGTON, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY

In re Requests of  
Arch Communications Group, Inc.  
AirTouch Paging (formerly  
PacTel Paging)  
For Waivers of Sections 22.119  
of the Commission's Rules to  
Permit Concurrent Licensing of  
Paging Transmitters Under Part  
22 and Part 90 of the  
Commission's Rules

MSD 93-33

MSD 93-32

CC Docket No. 94-49

To: The Commission

**Petition for Partial Reconsideration**

AirTouch Paging ("AirTouch") and Arch Communications Group, Inc. ("Arch"), by their attorneys and pursuant to Section 1.106 of the Commission's rules, hereby respectfully seek partial reconsideration of the Commission action granting the above-referenced waiver requests. The following is respectfully shown:

**I. Background**

1. By Order, FCC 94-113, released June 9, 1994, the Commission granted interim waivers of Section 22.119 of

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the Commission rules to Paging Network, Inc. ("PageNet"), Metrocall, Inc. ("Metrocall"), American Paging, Inc. ("API"), Mid-Atlantic Paging Company, Inc. ("Mid-Atlantic"), and MobileMedia Communications, Inc. ("MobileMedia") as well as to AirTouch and Arch. A review of the waiver requests underlying these grants reveals that the showings made by the waiver applicants were largely indistinguishable.<sup>1/</sup> Basically, each waiver applicant demonstrated that it was in the process of building out wide-area systems and that the buildouts would be facilitated by waivers of Section 22.119 of the Commission's rules to permit the concurrent use of transmitters operating under Part 22 and Part 90 of the Commission's rules.

2. A review of the waiver Order indicates that the scope of the granted waivers varies in certain respects.<sup>2/</sup> PageNet, API and Mid-Atlantic received waivers that permit them to share transmitters on any of their existing and future common carrier authorizations with any

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<sup>1/</sup> See Request for Waiver filed by Paging Network, Inc., April 6, 1993; amended July 15, 1993 and November 2, 1993; Request for Waiver filed by PacTel Paging, August 31, 1993; Request for Waiver filed by Arch Communications Group, Inc., September 22, 1993; Request for Waiver filed by MetroCall, Inc., November 30, 1993; Request for Waiver filed by American Paging Inc., December 10, 1993; Request for Waiver filed by Mid-Atlantic Paging Company, December 7, 1993 and Request for Waiver filed by MobileMedia Communications, Inc., March 7, 1994.

<sup>2/</sup> Order, para. 8.

of their private carrier paging authorizations. AirTouch, Metrocall and MobileMedia received waivers that permit them to transmit on PCP frequencies using their existing Part 22 common carrier paging transmitters until either (a) the two services are combined and Section 22.119 is eliminated, or (b) the multi-frequency transmitters are loaded to 75% of available air time. Arch received a waiver to permit it to operate frequency-agile transmitters to permit the inclusion of PCP frequencies capable of providing broad regional and nationwide service on Part 22 transmitters offering local service. Obviously, these waivers differ in scope, with the broadest authority having been accorded to PageNet, API and Mid-Atlantic.

3. AirTouch and Arch understand that the scope of their waivers was limited in accordance with the requests each of them filed with the Commission. However, those self-imposed limitations were proposed based upon and following conversations with Commission personnel which appeared to indicate that the prospects for securing a waiver would be dependent upon the waiver request being narrowly drawn. Now that the Commission has decided to accord broader unrestricted waivers to PageNet, API and Mid-Atlantic based upon public interest showings that are

indistinguishable from those made by AirTouch and Arch, it would appear appropriate to expand the AirTouch and Arch waivers in similar fashion.<sup>3/</sup>

4. Consequently, based upon the public interest showings previously made, AirTouch and Arch request that the waiver Order be reconsidered in part by expanding the waivers of Section 22.119 of the Commission's rules accorded to AirTouch and Arch to permit them to share transmitters on any of their existing and future common carrier authorizations with any of their existing and future private carrier paging authorizations.<sup>4/</sup> Both parties understand, of course, that the grant of modifications to their waivers in this fashion would be without prejudice to any future action the Commission may take to restrict the use of common carrier transmitters in multiple services to deter warehousing pursuant to the Notice of Proposed Rulemaking under consideration in CC Docket No. 94-46.

WHEREFORE, the foregoing premises having been duly considered, AirTouch Paging and Arch Communications Group,

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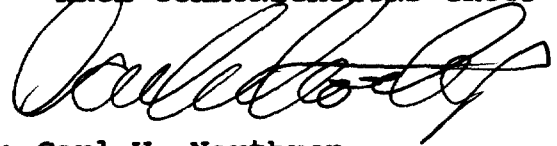
<sup>3/</sup> Neither AirTouch nor Arch would object if all the waivers were made coterminous.

<sup>4/</sup> AirTouch and Arch will be filing supplemental waiver requests to conform their waivers to those of API, PageNet and Mid-Atlantic. If these supplemental requests are granted, it will render moot the reconsideration request which will then be withdrawn.

Inc. respectfully request that the waiver order be  
reconsidered in part as set forth above.

Respectfully submitted,

**AIRTOUCH PAGING and  
ARCH COMMUNICATIONS GROUP**



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July 11, 1994

**CERTIFICATE OF SERVICE**

I, Tana Christine Maples, hereby certify that I have this 11th day of July, 1994, caused copies of the foregoing **Petition for Partial Reconsideration** to be delivered by hand, courier charges prepaid, to the following:

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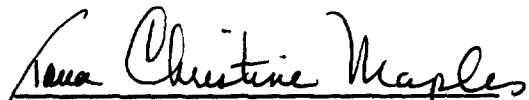
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